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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,750	09/30/2003	Ralf Salameh	71027-008	8001

27305 7590 12/22/2004

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EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,750

Applicant(s)

SALAMEH, RALF

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Unclear to what applicant is trying to claim because of the claim seems to be dependent on another claim. For the purpose of examination claim 20 is considered to be depending from claim 8.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-12, 14-17 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Poquet et al (WO 99/13248).

Regarding claims 8-12, 14-17 and 21-22: Poquet discloses a sealing element comprising a sealing element of an elastomer material (two outer beads 6 that are adjacent to edges of the sealing element 2), containing sealing profiles (profile of 6) that are offset from one another (the profiles 6 are spaced away from each other) between which, at given intervals, de-coupling elements (each portion of 4 that is between two profiles) that provide acoustic de-coupling (intended use), also made of elastomer material (profiles and de-coupling elements are formed of elastomeric material). The sealing element also contains a support element (element 3). The

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support element is metal (3 is metal). The sealing element is a flat seal. The de-coupling element extends to the sealing profiles with a pre-determinable side clearance (gap formed from the top surface of 6 and the top surface of the de-coupling element). The de-coupling elements occupy more than 50% of the area between the sealing profiles (occupies more than 50% of an area between the profiles). The sealing profiles and the de-coupling elements have heights. The sealing profiles and the de-coupling elements are located on both faces of a metallic reinforcement element (3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poquet.

Poquet discloses the claimed invention except that the height of the de-coupling element is approximately 30% to 50% of the height of the sealing profiles. Discovering an optimum range of a result effective variable involves only routine skill in the art. In re Kulling, 895 F.2d 1147, 14 USPQ 2d 1056. Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the height of the de-coupling element to be approximately 30% to 50% of the height of the sealing profiles as a matter of design choice.

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6. Claims 8, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Incoing (US. 4,625,979) in view of Deppe (US. 4,688,809).

Incoing discloses a sealing element seal comprising a sealing element (element 10) of an elastomer material, containing sealing profiles (profiles 24 and 25 on each hole 20) that are offset from one another (this is the case since the holes are spaced from each other) and the sealing element containing several pass-through holes (holes 20). Incoing discloses the invention substantially as claimed above but fails to disclose that a de-coupling element is placed between the profiles (meaning that a projection is placed between the profiles 24 and 25 of each hole) and the de-coupling element is hemispherical in cross-section. Deppe discloses that between two holes (16) there is placed a projection (14b of hemispherical shape), which is capable of providing de-coupling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the sealing element of Incoing to have a de-coupling element between each hole, to provide sufficient surface pressure between the holes (column 2, lines 50-69 of Deppe).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abe et al, Schmidt, Czernik et al, Tronel, Incoing, Terai and Clark et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
December 16, 2004

A handwritten signature in black ink, appearing to read "Vishal Patel", is written over the printed name.

Vishal Patel
Patent Examiner
Tech. Center 3600